REPLACED BY ART 34 AMDT

● PATENT COOPERATION TRE●

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD53554PC	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)

International application No. PCT/EP 03/13765	International filing date (day/month/year) 05.12.2003	Priority date (day/month/year) 10.12.2002

International Patent Classification (IPC) or both national classification and IPC
H04N5/262

Applicant
SONY ERICSSON MOBILE COMMUNICATIONS AB ET AL.

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

    ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

    These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

    I   ☒ Basis of the opinion
    II   ☐ Priority
    III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
    IV   ☐ Lack of unity of invention
    V   ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
    VI   ☐ Certain documents cited
    VII ☐ Certain defects in the international application
    VIII ☐ Certain observations on the international application

Date of submission of the demand 17.06.2004	Date of completion of this report 31.05.2005
Name and mailing address of the International preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Didierlaurent, P Telephone No. +31 70 340-3438

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.   PCT/EP 03/13765

I. Basis of the report

1. With regard to the **elements** of the international application *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)):*

Description, Pages

1-10	as originally filed ·

Claims, Numbers

1-18	received on 08.03.2005 with letter of 08.03.2005

Drawings, Sheets

1/3-3/3	as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

   These elements were available or furnished to this Authority in the following language: , which is:

   ☐   the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).

   ☐   the language of publication of the international application (under Rule 48.3(b)).

   ☐   the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

   ☐   contained in the international application in written form.

   ☐   filed together with the international application in computer readable form.

   ☐   furnished subsequently to this Authority in written form.

   ☐   furnished subsequently to this Authority in computer readable form.

   ☐   The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

   ☐   The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

   ☐   the description;   pages:

   ☐   the claims,   Nos.:

   ☐   the drawings,   sheets:

INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

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5. ☐   This report has been established as if (some of) the amendments had not been made, since they have
been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this
report.)*

6. Additional observations, if necessary:

see separate sheet

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or Industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-18
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-18
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-18
	No:	Claims	

2. Citations and explanations

see separate sheet

INTERNATIONAL PRELIMINARY EXAMINATION REPORT - SEPARATE SHEET

International application No. PCT/EP 03/13765

Remarks (Clarity)

It appears that too many independent claims (claims 15,16,17) relating to the same subject-matter are drafted, which is contrary to Rule 6 (PCT).

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-5 434 958 (SURMA MICHAEL J ET AL) 18 July 1995 (1995-07-18)
D2: EP-A-1 168 838 (SONY CORP) 2 January 2002 (2002-01-02)

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document) a method of providing storable image effects in a personal computer (col.2, line 63) comprising the steps of:
generating an effect for application on digital images based on entries of a user (col.4, lines 31-46), storing the effect as an effects file (col.5, line 45), and, transferring the effects file to another device (col.5, line 45), such that it can be used for later application on more than one image.
The subject-matter of claim 1 differs from this known method in that it provides said storable image effects in a cellular phone and that said effects file is in a defined standardised image editor independent effects format.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).
The same reasoning applies mutatis mutandis to the other independent claims 8,15-18.

The problem to be solved by the present invention may be regarded as to create and store special effects within a cellular phone, said special effects being stored in such a format so that they can then be sent to/and used by different type of cellular phones.

The solution to this problem proposed in claim 1 (and mutatis mutandis for independent claims 8,15-18) of the present application is considered as involving an inventive step

Form PCT/Separate Sheet/409 (Sheet 1) (EPO-April 1987)

INTERNATIONAL PRELIMINARY   International application No.   **PCT/EP 03/13765**
EXAMINATION REPORT - SEPARATE SHEET

(Article 33(3) PCT) for the following reasons:

1) - the method defined in D1 is related to a studio photography environment, which a different field from the the field of cellular phones.

- the format of the effects files is not defined in D1, therefore it does not solve the problem of creating special effects in a standardised format which is image editor independent.

2) - D2, disclosing a portable computer, could be considered to be in a field close to the field of cellular phones (PDA, laptops, cellular phones, digital cameras are often associated in a sole device).

- But, although special effect are stored separately from their related image clip to provide a faster storage than storing the combined effects and image clip in one entity, said special effects are not meant to be applied to another image clip.

- Moreover it is not disclosed either in D2 that the format of the effects files should be a standardised format which is image editor independent.

Claims 2-7,9-14 are dependent on claims 1 or 8 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

CLAIMS

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1. Method of providing storable image effects in a local processing device comprising the steps of:
    generating an effect for application on digital images (step 30), and
    storing the effect as an effects file (46), (step 38), such that it can be used for later application on more than one image.

2. Method according to claim 1, wherein the effect is stored in a defined
10   standardised effects format.

3. Method according to claim 2, wherein the format is provided through an XML (Extensible Markup Language) file.

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4. Method according to claim 2 or 3, wherein the step of storing includes storing the file with parameter settings made by a user.

5. Method according to any previous claim, further including the step of transferring the effects file to another device, (step 40).

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6. Method according to claim 5, wherein the step of transferring is performed over a wireless medium.

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7. Method according to any previous claim, wherein the effect comprises a matrix of calculations to be performed on pixels of an image.

8. Method according to any previous claim, further including the step of applying the effect on an image (step 32) before storing and storing the effect as an effects file (46) after detecting acceptance (step 34) from a user of the device.

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9. Method according to any previous claim, wherein the step of generating an effect includes the step of retrieving a stored effects file (step 28) and modifying the file with a new effect (step 30).

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10. Method according to any previous claim, wherein it is performed in a portable communication device.

11. Local processing device (10) for providing storable image effects comprising:
    an image effects store (24), and

an image editor (20) arranged to generate a new effect for application on digital images based on entries of a user and allowing storing of said effect as an effects file (46) in the image effect store.

12. Local processing device (10) according to claim 11, wherein said effects are stored in a defined standardised effects format.

13. Local processing device (10) according to claim 12, wherein the format is provided through an XML (Extensible Markup Language) file.

14. Local processing device (10) according to claim 11 or 12, wherein the image editor (20) is arranged to store the file with parameter settings made by a user.

15. Local processing device (10) according to any of claims 11 – 14, further including at least one transmitting unit (26) arranged to transmit effect files to at least one other device.

16. Local processing device (10) according to claim 15, wherein the transmitting unit (26) is arranged to transmit effect files over a wireless interface.

17. Local processing device (10) according to any of claims 11 – 16, wherein an effect comprises a matrix of calculations to be performed on an image.

18. Local processing device (10) according to any of claims 11 – 17, wherein the image editor (20) is further arranged to apply an effect on an image before storing and storing the effect as an effects file after detecting acceptance from a user.

19. Local processing device according to any of claims 11 – 18, wherein the image editor when generating an effect is arranged to retrieve a stored effects file from the image effect store (24) and apply a new effect to said file.

20. Local processing device according to any of claims 11 - 19, wherein the device is a portable communication device.

21. Local processing device according to claim 20, wherein it is a cellular phone.

22. Image editor (20) for providing storable image effects in a local processing device and arranged to:

generate a new effect for application on digital images based on entries of a user, and

allowing storing of said effect as an effects files in an image effect store.

23. Computer program product (58), for enabling provision of storable image effects in a local processing device, comprising a computer readable medium having thereon:

computer program code means, to make the processing device execute, when said program is loaded in the processing device:

generate a new effect for application on digital images based on entries of a user, and

allowing storing of said effect as an effects file (46) in an image effect store.

24. Computer program element, for enabling provision of storable image effects in a local processing device, comprising a computer readable medium having thereon:

computer program code means, to make the processing device execute, when said program is loaded in the processing device:

generate a new effect for application on digital images based on entries of a user, and

allowing storing of said effect as an effects file (46) in an image effects store.

25. A computer data signal embodied in a carrier wave comprising

effect information relating to digital images in the form of an effects file (46) in a defined standardised effects format (46) generated by a local processing device, such that the effect information can be used for later application on digital images.